

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STACEY KING,
 Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, et al.,
 Defendants.

Case No. 2:20-cv-00055-ART-NJK

Order

[Docket No. 80]

Pending before the Court is Plaintiff's motion to stay the undersigned's May 5, 2023, order imposing sanctions. Docket No. 80. *See also* Docket No. 79 (sanctions order). Defendants have not filed a response and the time to do so has now passed. *See* Docket.

The Court ordered Plaintiff to pay Defendants \$2,435 by June 30, 2023, as a sanction for his abusive and bad-faith discovery conduct. Docket No. 79 at 18. Plaintiff now seeks to stay the compliance deadline pending resolution of his objection to the sanctions order. Docket No. 80 at 2. *See also* Docket No. 82 (Plaintiff's objection).

Failure to respond to a motion constitutes consent to the granting of the motion. Local Rule 7-2(d). Accordingly, the Court **GRANTS** Plaintiff's motion to stay the undersigned's May 5, 2023, order imposing sanctions.¹ Docket No. 80.

¹ A magistrate judge's non-dispositive pretrial order may only be modified or set aside by a district judge if the order is "clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a).

"[C]ourts adjudicate motions to stay a magistrate judge's non-dispositive order by analyzing: (1) whether the movant is likely to succeed on its objection; (2) whether the movant will suffer irreparable injury in the absence of a stay; (3) whether the other parties will be substantially injured by a stay; and (4) where the public interest lies."

PlayUp, Inc. v. Mintas, --- F. Supp. 3d ---, 2022 WL 10967692, at *3 (D. Nev. 2022). The deferential standard of review means a party seeking to stay a magistrate judge's non-dispositive pretrial order faces "a steep hill to climb." *Id.*

Plaintiff's conclusory submissions fail to clear the "difficult hurdles" required to stay a magistrate judge's non-dispositive pretrial order. *Id.* The Court grants Plaintiff's motion to stay

1 Plaintiff must pay to Defendants any sanctions amount upheld no later than 14 days after
2 the issuance of the order resolving his objection.

3 IT IS SO ORDERED.

4 Dated: June 27, 2023

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Nancy J. Koppe
United States Magistrate Judge
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27 _____
28 solely because Defendants have consented to the motion being granted by failing to file a response.
This order should not be construed as any sort of opinion regarding the merits of Plaintiff's motion
to stay or objection to the Court's sanctions order.